

Ways and Means Committee

Budget Schedule 2009

January 13 - 15:	First week of session & Budget Subcommittees Meetings
January 20 - 22:	Budget Subcommittees Meetings
January 27 - 29:	Budget Subcommittees Meetings
February 3 - 5:	PROVISO SUBCOMMITTEE MEETINGS
February 9* - 20:	FULL COMMITTEE BUDGET DELIBERATIONS
February 24 - 26:	FY 09-10 Appropriation Bill Printed
March 3 - 5:	Printed Appropriation Bill placed on House Member's desk
March 9* - 13:	HOUSE FLOOR BUDGET DELIBERATIONS

Important Dates:

January 27, 2009:	Deadline for Proviso Submittals
January 28, 2009:	Provisos sent for drafting
February 15, 2009:	Final BEA estimate due
March 3, 2009:	Standing Committee Budget Briefing
*	The Full Committee and House floor deliberations may begin on Tuesday of the weeks indicated.

Note: SC Code 11-11-70 provides that within five days after the beginning of each regular session of the General Assembly the Governor shall submit to the presiding officer of each house printed copies of a budget.

Note: Section 2-1-180 requires third reading of Appropriations Bill by March 31 or session is extended. Art. III, Sect. 36 (B)(3)(a) of the Constitution requires that after March 1 of a fiscal year, if the BEA has not declared a shortfall, Capital Reserves may be appropriated by the General Assembly in separate legislation.

Note:

Third Reading of Appropriation Bill: Section 2-1-180 provides "In any year that the House of Representatives fails to give third reading to the annual General Appropriation Bill by March thirty-first, the date of sine die adjournment is extended by one statewide day for each statewide day after March thirty-first that the House of Representatives fails to give the bill third reading.

Capital Reserve Fund

S. C. Constitution- Article III, Section 36 provides:

"(B) (1) The General Assembly must provide by law that if before March first the revenue forecast for the current fiscal year projects that revenues at the end of the fiscal year will be less than expenditures authorized by appropriation for that year, then the current year's appropriation to the Capital Reserve Fund first must be reduced to the extent necessary before mandating any reductions in operating appropriations."

"(B) (2) After March first of a fiscal year, monies from the Capital Reserve Fund may be appropriated by the General Assembly in separate legislation upon an affirmative vote in each branch of the General Assembly by a two-thirds of the members present and voting, but not less than three-fifths of the total membership in each branch for the following purposes:

- (a) to finance in cash previously authorized capital improvement bond projects;
- (b) to retire interest or principal on bonds previously issued;
- (c) for capital improvements or other nonrecurring purposes."

"(B) (3) (a) Any appropriation of monies from the Capital Reserve Fund as provided in this subsection must be ranked in priority of expenditure and is effective thirty days after completion of the fiscal year."

PROPOSED WAYS AND MEANS COMMITTEE RULES

1. The Rules of the House as they are now or as hereafter adopted shall be the House Ways and Means Committee rules as determined to be appropriate by the Chairman and except as otherwise provided below.
2. At the organizational session at the beginning of each two-year session, the Committee shall elect a 1st Vice-Chairman, a 2nd Vice-Chairman, a 3rd Vice-Chairman, and Secretary/Treasurer. The 1st Vice-Chairman shall preside over Committee meetings in the absence of the Chairman. The 2nd Vice-Chairman shall preside over Committee meetings in the absence of the Chairman and 1st Vice-Chairman.
3. The Chairman shall determine the number and size of subcommittees. The Chairman shall appoint subcommittee chairmen and may appoint other subcommittee officers. Legislation is assigned to a subcommittee at the discretion of the Chairman and the Chairman may modify assignments, as he deems appropriate. The Chairman may appoint ad hoc subcommittees to study specific legislation and/or issues. An ad hoc subcommittee shall cease to exist upon completion of the assigned task(s).
4. **PROPOSED ADDITION** *-A bill or resolution upon which the committee or a subcommittee has adjourned debate is not automatically placed upon the next committee or subcommittee meeting agenda but may be placed on a future meeting agenda the Chairman deems appropriate.*
5. A matter to be considered at a meeting shall be listed on the agenda. Preparation of the agenda for a Committee meeting and designation of the meeting time is the responsibility of the Chairman. Each item on the agenda will include the following information: the bill number, primary sponsor, an abbreviated bill title, and a summary of the bill including a statement of fiscal impact.

When possible, the agenda must be distributed to the members of the Committee no later than adjournment of the House on the day for which the meeting is scheduled.

A matter shall be added to the agenda for the subsequent meeting of the Committee if approved by a two-thirds vote of the appointed members of the Committee at any regularly scheduled meeting.

With unanimous consent of those members present, a matter that is not listed on the agenda may be considered at the meeting for which the agenda is prepared.

PROPOSED ADDITION *- Pursuant to the provisions of S.C. Code Section 2-69-30 and Article III, Section 12, of the South Carolina Constitution, the committee or a subcommittee, in the discharge of its duties, may administer oaths and affirmations, take depositions, and receive testimony and evidence as necessary in connection with its work, study, or investigation.*

6. A simple majority (13) of the appointed membership constitutes a quorum.
7. A subcommittee chairman is responsible for scheduling a meeting of the subcommittee.

8. Unless recalled by the Committee, a bill or resolution must be reported out of a subcommittee as favorable, favorable with amendments, or unfavorable to be considered by the full Committee.

A bill or resolution may be recalled from a subcommittee for consideration by the Committee by a majority vote of the members present at a Committee meeting, but the bill or resolution will not be eligible for consideration until the next meeting of the Committee.

9. The Chairman of the Ways and Means Committee may serve as an ex-officio member of each subcommittee and may vote in any subcommittee in order to make a quorum.
10. To address the Committee, a person must be:
 - (1) a constitutional officer of the state,
 - (2) a member of the General Assembly,
 - (3) scheduled on the agenda, or
 - (4) granted permission during the meeting by the Chairman without objection of five (5) or more members of the Committee.
11. Any member of the Committee may request a roll-call vote on any question pending consideration. The Chairman shall direct a roll-call vote to be taken if at least five (5) Committee members second the requesting member's action.
12. The Chairman may vote on any issue; however, he must vote in case of a tie.
13. All hearings on legislation shall be requested in writing and shall be conducted by the subcommittee studying that legislation. With the exception of members of the General Assembly, persons requesting to be heard at a hearing shall contact the Committee office and submit a prepared statement at least twenty-four hours before the day and time of the hearing. An appropriate number of copies of a prepared statement (number determined by Committee staff) is the responsibility of the person requesting to be heard. The Chairman or subcommittee chairman, whichever is appropriate, may waive the requirement of a prepared statement.
14. Any member desiring to sign a minority report to a bill or resolution must do so or express the intent to do so to the Chairman before adjournment of the Committee meeting at which the Committee approves the bill or resolution.
15. The foregoing rules must be taken as an expression of the normal operating procedure of the Committee, but the procedure, excluding voting requirements, may be departed from with the approval of two-thirds of the Committee members present.
16. The approval of two-thirds of the appointed membership of the Committee is required to permanently change any of the foregoing rules.

ROOM SCHEDULES

Ways and Means Committee
February 10-12, 2009

Legislative, Executive, & Local Government	511 Blatt
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Higher Education, Tech, & Cultural	321 Blatt
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Public Education and Special Schools	521 Blatt
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Health, Human Services, and Medicaid	108 Blatt
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Economic Development & Natural Resources	523 Blatt
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Law Enforcement & Criminal Justice	305 Blatt
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Transportation and Regulatory	501 Blatt
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REPORT OF THE BUDGET AND FINANCE SUBCOMMITTEE

(Cooper, Bingham, R. Smith, White, A. Young - Staff Contact: Beverly Smith)

HOUSE BILL 3352

H. 3352 -- Reps. Cooper, Owens, Stewart and Whitmire: A JOINT RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER FUNDS AMONG APPROPRIATED REVENUES IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING THE 2008-2009 AND 2009-2010 FISCAL YEARS; TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEARS 2008-2009 AND 2009-2010 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS, TO TRANSFER FUNDS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, AND TO NEGOTIATE SALARIES FOR RETIRED AND TERI TEACHERS BELOW MINIMUM SALARY REQUIREMENTS; TO ALLOW SCHOOL DISTRICTS FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS TO FURLOUGH TEACHERS AND SCHOOL AND DISTRICT ADMINISTRATORS UPON CERTAIN CONDITIONS; TO PROVIDE CERTIFICATION AND REPORTING REQUIREMENTS; TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS.

Summary of Bill:

This is a Joint Resolution that will allow school districts, special schools and the State Department of Education to transfer funds among appropriated state revenues and be relieved of certain regulations in order to absorb recent budget shortfalls. This will be effective during Fiscal Years 2008-09 and 2009-10.

Introduced: 1/27/2009

Received by Ways and Means: 1/27/2009

Estimated Fiscal Impact:

Attached

Subcommittee Recommendation:

Favorable

Full Committee Recommendation:

Pending

Other Notes/Comments:

[CLICK HERE](#) to Edit Notes/Comments

FISCAL IMPACT STATEMENT ON BILL NO. **H3352 JOINT RESOLUTION**
(Doc. No. 11152bh09.docx)

TO:	The Honorable Daniel T. "Dan" Cooper, Chairperson, House Ways and Means Committee		
FROM:	Office of State Budget, Budget and Control Board		
ANALYSTS:	Trey Kannaday		
DATE:	February 9, 2009	SBD:	2009154

AUTHOR:	Representative Cooper	PRIMARY CODE CITE:	Joint Resolution
SUBJECT:	Flexibility for School Districts		

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:
\$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:
\$0 (No additional expenditures or savings are expected)

BILL SUMMARY:

This Joint Resolution would allow school districts to transfer among appropriated state revenues as needed to ensure the delivery of academic and arts instruction to students. School districts are granted suspension from professional staffing ratios and regulations, and are permitted to delay contract dates for teachers. School districts are also allowed to negotiate salaries for retired teachers or teachers participating in the TERI program below the minimum salary requirements. Teachers and district administrators are allowed to be furloughed under certain conditions. Finally, school districts are allowed to purchase the most economical type of bus fuel for fiscal years 2008-09 and 2009-10.

EXPLANATION OF IMPACT:

The State Department of Education (SDE) estimates this Joint Resolution will have no additional costs to the State; however, the Department notes there would be undeterminable cost savings to local school districts, contingent upon the extent of furlough days and teacher salary negotiations pursuant to Section 2.4. The suspension of programs and activities according to Section 3 will reduce the Department's expenditures for the items listed. However, it is anticipated these reductions will be redirected to other programs.

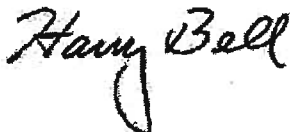
LOCAL GOVERNMENT IMPACT:

None.

SPECIAL NOTES:

None.

Approved by:



Harry Bell
Assistant Director, Office of State Budget

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9 **A JOINT RESOLUTION**
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11 TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL
12 SCHOOLS TO TRANSFER FUNDS AMONG APPROPRIATED
13 REVENUES IN ORDER TO ENSURE THE DELIVERY OF
14 ACADEMIC AND ARTS INSTRUCTION DURING THE
15 2008-2009 AND 2009-2010 FISCAL YEARS; TO ALLOW
16 SCHOOL DISTRICTS FOR FISCAL YEARS 2008-2009 AND
17 2009-2010 TO SUSPEND CERTAIN PROFESSIONAL
18 STAFFING RATIOS, TO TRANSFER FUNDS, TO DELAY
19 THE DATE THAT TEACHER CONTRACTS ARE ISSUED,
20 AND TO NEGOTIATE SALARIES FOR RETIRED AND TERE
21 TEACHERS BELOW MINIMUM SALARY REQUIREMENTS;
22 TO ALLOW SCHOOL DISTRICTS FOR THE 2008-2009 AND
23 2009-2010 FISCAL YEARS TO FURLOUGH TEACHERS AND
24 SCHOOL AND DISTRICT ADMINISTRATORS UPON
25 CERTAIN CONDITIONS; TO PROVIDE CERTIFICATION
26 AND REPORTING REQUIREMENTS; TO SUSPEND
27 CERTAIN FORMATIVE ASSESSMENTS AND TO ALLOW
28 SCHOOL DISTRICTS TO PURCHASE THE MOST
29 ECONOMICAL TYPE OF BUS FUEL FOR THE 2008-2009
30 AND 2009-2010 FISCAL YEARS.
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32 Be it enacted by the General Assembly of the State of South
33 Carolina:
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35 SECTION 1. For the 2008-2009 and 2009-2010 fiscal years,
36 school districts and special schools of this State may transfer
37 among appropriated state revenues, excluding lottery funds, as
38 needed to ensure the delivery of academic and arts instruction to
39 students.
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1 SECTION 2. Notwithstanding another provision of law and for
2 the 2008-2009 and 2009-2010 fiscal years, school districts must be
3 granted:

4 1. suspension from professional staffing ratios and regulations
5 and guidelines requiring expenditures at the subfund level;

6 2. permission to transfer funds among funding categories,
7 including capital funds from the Children's Education Endowment
8 Fund and excluding funds required for debt service or bonded
9 indebtedness;

10 3. permission to delay the date that contracts are issued to
11 teachers from April 15 to May 15;

12 4. permission to negotiate salaries for retired teachers or teachers
13 participating in the TERI program below the minimum salary
14 requirements.

15 If specified in the contract or if the district is otherwise
16 authorized by law to furlough teachers, a district may furlough
17 teachers for up to five noninstructional days provided that school
18 and district administrators are furloughed for an equivalent number
19 of days. All other program regulations, guidelines, reporting, and
20 audit requirements remain in effect unless addressed in this joint
21 resolution. To further ensure resources are maximized, districts
22 are encouraged to limit the number of low enrollment courses,
23 expand virtual instruction, and, to the extent possible, develop
24 schedules to minimize transportation costs of extracurricular and
25 academic competitions.

26 The school district board of trustees must certify that specific
27 actions were taken in response to the measures provided in
28 Sections 1 and 2 of this joint resolution. The certification and
29 report must be in writing and delivered, on a quarterly basis, to the
30 State Superintendent of Education, and a copy must be forwarded
31 to the Chairman of the Senate Finance Committee, the Chairman
32 of the Senate Education Committee, the Chairman of the House
33 Ways and Means Committee, and the Chairman of the House
34 Education and Public Works Committee.

35

36 SECTION 3. Notwithstanding another provision of law and for
37 the 2008-2009 and 2009-2010 fiscal years, implementation of
38 formative assessments for grades one, two, and nine, the foreign
39 language program assessment, the physical education assessment,
40 and new textbook adoptions must be suspended. School districts
41 must be granted permission to purchase the most economical type
42 of bus fuel.

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1 SECTION 4. This joint resolution takes effect upon approval by
2 the Governor.
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HOUSE
AMENDMENT

THIS AMENDMENT
ADOPTED

Hray/MELTON
FEBRUARY 4, 2009

CLERK OF THE HOUSE

THE WAYS AND MEANS COMMITTEE PROPOSES THE
FOLLOWING AMENDMENT No. TO H. 3352
(COUNCIL\NBD\11206BH09):

REFERENCE IS TO THE JOINT RESOLUTION AS INTRODUCED.

**AMEND THE JOINT RESOLUTION, AS AND IF
AMENDED, BY DELETING SECTION 2 AND
INSERTING:**

**/SECTION 2. NOTWITHSTANDING ANOTHER
PROVISION OF LAW AND FOR THE 2008-2009 AND
2009-2010 FISCAL YEARS, SCHOOL DISTRICTS
MUST BE GRANTED:**

**1. SUSPENSION FROM PROFESSIONAL
STAFFING RATIOS AND SUBFUND LEVEL
EXPENDITURE REGULATIONS AND GUIDELINES;**

2. PERMISSION TO TRANSFER FUNDS AMONG FUNDING CATEGORIES, INCLUDING CAPITAL FUNDS FROM THE CHILDREN'S EDUCATION ENDOWMENT FUND AND EXCLUDING FUNDS REQUIRED FOR DEBT SERVICE OR BONDED INDEBTEDNESS;

3. PERMISSION TO DELAY FROM APRIL FIFTEENTH TO MAY FIFTEENTH THE DATE THAT CONTRACTS ARE ISSUED TO TEACHERS;

4. PERMISSION TO NEGOTIATE SALARIES BELOW THE MINIMUM SALARY REQUIREMENTS FOR RETIRED TEACHERS IF SPECIFIED IN THE CONTRACT OR OTHERWISE AUTHORIZED BY LAW.

IF SPECIFIED IN THE CONTRACT OR IF THE DISTRICT IS OTHERWISE AUTHORIZED BY LAW TO FURLOUGH TEACHERS, A DISTRICT MAY FURLOUGH TEACHERS FOR UP TO FIVE NONINSTRUCTIONAL DAYS PROVIDED THAT SCHOOL AND DISTRICT ADMINISTRATORS ARE FURLOUGHED FOR AN EQUIVALENT NUMBER OF DAYS. ALL OTHER PROGRAM REGULATIONS, GUIDELINES, REPORTING, AND AUDIT

REQUIREMENTS REMAIN IN EFFECT UNLESS ADDRESSED IN THIS JOINT RESOLUTION. TO FURTHER ENSURE RESOURCES ARE MAXIMIZED, DISTRICTS ARE ENCOURAGED TO LIMIT THE NUMBER OF LOW ENROLLMENT COURSES, EXPAND VIRTUAL INSTRUCTION, AND, TO THE EXTENT POSSIBLE, DEVELOP SCHEDULES TO MINIMIZE TRANSPORTATION COSTS OF EXTRACURRICULAR AND ACADEMIC COMPETITIONS.

THE SCHOOL DISTRICT BOARD OF TRUSTEES MUST CERTIFY THAT SPECIFIC ACTIONS WERE TAKEN IN RESPONSE TO THE MEASURES PROVIDED IN SECTIONS 1 AND 2 OF THIS JOINT RESOLUTION. THE CERTIFICATION AND REPORT MUST BE IN WRITING AND DELIVERED, ON A QUARTERLY BASIS, TO THE STATE SUPERINTENDENT OF EDUCATION, AND A COPY MUST BE FORWARDED TO THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE, THE CHAIRMAN OF THE SENATE EDUCATION COMMITTEE, THE CHAIRMAN OF THE HOUSE WAYS AND MEANS

**COMMITTEE, AND THE CHAIRMAN OF THE
HOUSE EDUCATION AND PUBLIC WORKS
COMMITTEE./**

RENUMBER SECTIONS TO CONFORM.

AMEND TITLE TO CONFORM.

HOUSE
AMENDMENT

THIS AMENDMENT
ADOPTED

Hray/Downey
FEBRUARY 10, 2009

CLERK OF THE HOUSE

THE WAYS AND MEANS COMMITTEE PROPOSES THE
FOLLOWING AMENDMENT No. TO H. 3352
(COUNCIL\NBD\11248BH09):

REFERENCE IS TO THE JOINT RESOLUTION AS INTRODUCED.

**AMEND THE JOINT RESOLUTION, AS AND IF
AMENDED, BY DELETING SECTION 2 AND
INSERTING:**

**/SECTION 2. NOTWITHSTANDING ANOTHER
PROVISION OF LAW AND FOR THE 2008-2009 AND
2009-2010 FISCAL YEARS, SCHOOL DISTRICTS
MUST BE GRANTED:**

**1. SUSPENSION FROM PROFESSIONAL
STAFFING RATIOS AND SUBFUND LEVEL
EXPENDITURE REGULATIONS AND GUIDELINES;**

2. PERMISSION TO TRANSFER FUNDS AMONG FUNDING CATEGORIES, INCLUDING CAPITAL FUNDS FROM THE CHILDREN'S EDUCATION ENDOWMENT FUND AND EXCLUDING FUNDS REQUIRED FOR DEBT SERVICE OR BONDED INDEBTEDNESS;

3. PERMISSION TO DELAY FROM APRIL FIFTEENTH TO MAY FIFTEENTH THE DATE THAT CONTRACTS ARE ISSUED TO TEACHERS;

4. PERMISSION TO NEGOTIATE SALARIES BELOW THE MINIMUM SALARY REQUIREMENTS FOR RETIRED TEACHERS IF SPECIFIED IN THE CONTRACT OR OTHERWISE AUTHORIZED BY LAW.

IF SPECIFIED IN THE CONTRACT OR IF THE DISTRICT IS OTHERWISE AUTHORIZED BY LAW TO FURLOUGH TEACHERS, A DISTRICT MAY FURLOUGH TEACHERS FOR UP TO FIVE NONINSTRUCTIONAL DAYS PROVIDED THAT SCHOOL AND DISTRICT ADMINISTRATORS ARE FURLOUGHED FOR AN EQUIVALENT NUMBER OF DAYS. ALL OTHER PROGRAM REGULATIONS, GUIDELINES, REPORTING, AND AUDIT

REQUIREMENTS REMAIN IN EFFECT UNLESS ADDRESSED IN THIS JOINT RESOLUTION. TO FURTHER ENSURE RESOURCES ARE MAXIMIZED, DISTRICTS ARE ENCOURAGED TO LIMIT THE NUMBER OF LOW ENROLLMENT COURSES, EXPAND VIRTUAL INSTRUCTION, AND, TO THE EXTENT POSSIBLE, DEVELOP SCHEDULES TO MINIMIZE TRANSPORTATION COSTS OF EXTRACURRICULAR AND ACADEMIC COMPETITIONS. PRIOR TO IMPLEMENTING THE FLEXIBILITY PROVISIONS PROVIDED IN THIS JOINT RESOLUTION, SCHOOL DISTRICTS MUST PROVIDE TO PUBLIC CHARTER SCHOOLS THE PER PUPIL ALLOCATION DUE TO THE CHARTER SCHOOLS FOR EACH CATEGORICAL PROGRAM.

THE SCHOOL DISTRICT BOARD OF TRUSTEES MUST CERTIFY THAT SPECIFIC ACTIONS WERE TAKEN IN RESPONSE TO THE MEASURES PROVIDED IN SECTIONS 1 AND 2 OF THIS JOINT RESOLUTION. THE CERTIFICATION AND REPORT MUST BE IN WRITING AND DELIVERED, ON A QUARTERLY BASIS, TO THE STATE SUPERINTENDENT OF EDUCATION, AND A COPY MUST BE FORWARDED TO THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE, THE CHAIRMAN OF THE SENATE EDUCATION COMMITTEE, THE CHAIRMAN OF THE HOUSE WAYS AND MEANS COMMITTEE, AND THE CHAIRMAN OF THE HOUSE EDUCATION AND PUBLIC WORKS COMMITTEE./

AMEND THE JOINT RESOLUTION FURTHER, AS AND IF AMENDED, SECTION 3, AS CONTAINED ON PAGE 2, LINES 36 THROUGH 42, BY DELETING THE SECTION IN ITS ENTIRETY AND INSERTING:

/SECTION 3. NOTWITHSTANDING ANOTHER PROVISION OF LAW AND FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS, IMPLEMENTATION OF FORMATIVE ASSESSMENTS FOR GRADES ONE, TWO, AND NINE, THE FOREIGN LANGUAGE PROGRAM ASSESSMENT, THE PHYSICAL EDUCATION ASSESSMENT, AND NEW TEXTBOOK ADOPTIONS MUST BE SUSPENDED. SCHOOL DISTRICTS AND THE STATE DEPARTMENT OF EDUCATION MUST BE GRANTED PERMISSION TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL./

**RENUMBER SECTIONS TO CONFORM.
AMEND TITLE TO CONFORM.**

REPORT OF THE BUDGET AND FINANCE SUBCOMMITTEE

(Cooper, Bingham, R. Smith, White, A. Young – Staff Contact: Beverly Smith)

HOUSE BILL 3378

H. 3378 -- Rep. Cooper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-11-192 SO AS TO PROVIDE FOR THE TERMS AND CONDITIONS OF MANDATORY STATE AGENCY FURLOUGH PROGRAMS AND TO DELETE THE PROVISIONS OF PARAGRAPH 89.120, PART IB, OF ACT 310 OF 2008, RELATING TO STATE AGENCY FURLOUGHS.

Summary of Bill:

To provide agencies flexibility in meeting the mandatory furlough requirements by expanding the guidelines by which employees may be furloughed. The bill is based on feedback from agencies implementing mandatory furloughs. The bill was drafted in consultation with the Office of Human Resources. The bill provides for additional terms and conditions to state agencies if the agency has to implement a mandatory furlough. The number of days allowed under the mandatory furlough provision is set at 10 days. The furlough conditions set forth in Proviso 89.120 are set forth in this bill and the proviso is deleted.

An agency may furlough within a designated department or program. The furlough must include all classified and unclassified employees in the designated area. The bill allows for a furlough program to be implemented based on pay band and pay rate. The bill allows for employees who provide direct patient or client services and front line customer service to be exempt from a mandatory furlough.

If the furlough includes the entire agency, the furlough must include the agency head. Constitutional officers are exempt from mandatory furlough.

The bill provides for the terms of continuing benefits to the furloughed employee. The bill provides for the agency to allocate the reduction in pay as a result of the furlough over a period of time.

The bill does not address the Institutions of Higher Education and the State Board for Technical and Comprehensive

*Welcome to the**South Carolina*  *Legislature* Online**Search Legislation
Session 118 - (2009-2010)****(Full text search on all bills)****3378 found 2 times. ●****H 3378****H 3378 ● General Bill, By Cooper**

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-11-192 SO AS TO PROVIDE FOR THE TERMS AND CONDITIONS OF MANDATORY STATE AGENCY FURLOUGH PROGRAMS AND TO DELETE THE PROVISIONS OF PARAGRAPH 89.120, PART IB, OF ACT 310 OF 2008, RELATING TO STATE AGENCY FURLOUGHS.

01/29/09 House Introduced and read first time HJ-5

01/29/09 House Referred to Committee on Ways and Means HJ-5

VERSIONS OF THIS BILL

1/29/2009

H. ●3378**A BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-11-192 SO AS TO PROVIDE FOR THE TERMS AND CONDITIONS OF MANDATORY STATE AGENCY FURLOUGH PROGRAMS AND TO DELETE THE PROVISIONS OF PARAGRAPH 89.120, PART IB, OF ACT 310 OF 2008, RELATING TO STATE AGENCY FURLOUGHS.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 11, Title 8 of the 1976 Code is amended by adding:

"Section 8-11-192. In a fiscal year in which the general funds appropriated for a state agency are less than the general funds appropriated for that agency in the prior fiscal

year, or whenever the General Assembly or the State Budget and Control Board implements a midyear across-the-board budget reduction, agency heads may institute employee furlough programs of not more than ten working days in the fiscal year in which the deficit is projected to occur.

The furlough must be inclusive of all employees in an agency or within a designated department or program regardless of source of funds or place of work. The furlough must include all classified and unclassified employees in the designated area. However, a furlough program may also be implemented based upon pay band for classified employees and based upon pay rate for unclassified employees within the agency or designated department respectively. Employees who provide direct patient or client care and front-line employees who deliver direct customer services may be exempted from a mandatory furlough. If the furlough includes the entire agency, the furlough must include the agency head. Constitutional officers are exempt from mandatory furlough. Scheduling of furlough days, or portions of days, shall be at the discretion of the agency head, but under no circumstances should the agency close completely.

During this furlough, affected employees shall be entitled to participate in the same state benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions, including but not limited to contributions to the South Carolina Retirement System or the optional retirement program, the state agencies, institutions, and departments are responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions.

Placement of an employee on furlough under this provision does not constitute a grievance or appeal under the State Employee Grievance Procedure Act.

In the event the reduction for the state agency, institution, or department is due solely to the General Assembly transferring or deleting a program, this section does not apply. The implementation of a furlough program authorized by this section shall be on an agency-by-agency basis. Agencies may allocate the employee's reduction in pay over the balance of the fiscal year for payroll purposes regardless of the pay period within which the furlough occurs. In the event that an agency implements both a voluntary furlough program and a mandatory furlough program during the fiscal year, furlough days taken voluntarily shall count toward furlough days required by the mandatory furlough.

The State Budget and Control Board shall promulgate guidelines and policies, as necessary, to implement the provisions of this section. State agencies shall report information regarding furloughs to the Office of Human Resources of the State Budget and Control Board.

The provisions of this section do not apply to employees of those state agencies or institutions covered by Section 8-11-193 and Section 8-11-193, rather than this section continues to apply to those employees in the manner provided by law."

SECTION 2. Paragraph 89.120, Part IB, of Act 310 of 2008, as added by Act 414 of

2008, is deleted.

SECTION 3. This act takes effect upon approval by the Governor.

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Legislative Printing, Information and Technology Systems
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WAYS AND MEANS RECOMMENDATIONS

For

FY 2009-2010 STATE APPROPRIATION BILL AND CAPITAL RESERVE FUND BILL

Adopt 02/9/09 BEA Final Revenue Forecast (per Section 11-9-880)	\$6,134,559,868
Less: FY 2008-09 Transfer to Tax Relief Trust Fund/Res Prop Tax Capped at FY 01-02 L	(\$542,519,869)
Plus: Tax Relief Trust Fund Carry Forward (Balance as of 6/30/08)	\$1,451,372
Recurring General Fund Revenue	\$5,593,491,371

Notes and Instructions:

- 1. Subcommittees perform a budget analysis for every agency.**
- 2. Subcommittees will make alternative recommendations regarding Federal and Other funds using FY 08-09 General Appropriation Act and the FY 09-10 Governor's budget as a working base.**
- 3. Subcommittees will make alternative recommendations regarding General Funds using the existing budget as a working base, the Governor's Budget as a comparison reference, and the FY 2005-06 General Appropriation Act as a comparison reference.**
- 4. Subcommittees will make alternative recommendations regarding Federal, Other and State FTE positions using FY 08-09 General Appropriation Act and FY 09-10 Governor's budget as a working base.**
- 5. Subcommittees will report proposed changes and deletions to existing temporary provisos using the existing budget as a working base and the Governor's Budget as a comparison reference.**
- 6. Any proviso driven by a dollar appropriation decision will be conformed to funding recommendations adopted by the Full Committee.**
- 7. No amended, deleted nor new provisos are included in the FY 09-10 appropriation bill until action is taken by the Full Committee.**
- 8. Ways and Means staff has authority, upon the approval of the Chairman, to make changes in terminology and figures which are necessary to comply with the Committee's intent.**

Sources: Office of State Budget; Board of Economic Advisors

REP. Smith SUBMITS THE FOLLOWING:

CERRA

1A.22

(SDE-EIA: XI.F.2-CHE/Teacher Recruitment) Of the funds appropriated in Part IA, Section 1, XI.F.2. for the Teacher Recruitment Program, the S.C. Commission on Higher Education shall distribute a total of ~~\$5,404,014~~ \$4,421,171 to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) for a state teacher recruitment program, of which \$4,200,000 at least \$3,360,000 must be used for the Teaching Fellows Program specifically to provide scholarships for future teachers of which \$100,000 may be expended on the Teacher Cadet Program and of which \$166,302 must be used for specific programs to recruit minority teachers, and shall distribute ~~\$467,000~~ \$392,000 to S.C. State University to be used only for the operation of a minority teacher recruitment program and therefore shall not be used for the operation of their established general education programs. Whenever the General Assembly or the Budget and Control Board implements a mid-year reduction, CERRA appropriations for the Teaching Fellows Program are exempt from any mid-year budget reductions as are other scholarship programs. The Department of Education is directed to transfer \$545,000 from Part IA, Section 1, Program XI.4. External Review Teams to the Teaching Fellows Program. Working with districts with an absolute rating of Unsatisfactory *At-Risk* or Below Average, CERRA will provide shared initiatives to recruit and retain teachers to schools in these districts. CERRA will report annually by October 1 to the Education Oversight Committee and the Department of Education on the success of the recruitment and retention efforts in these schools. The S.C. Commission on Higher Education shall ensure that all funds are used to promote teacher recruitment on a statewide basis, shall ensure the continued coordination of efforts among the three teacher recruitment projects, shall review the use of funds and shall have prior program and budget approval. The S.C. State University program, in consultation with the Commission on Higher Education, shall extend beyond the geographic area it currently serves. Annually, the Commission on Higher Education shall evaluate the effectiveness of each of the teacher recruitment projects and shall report its findings and its program and budget recommendations to the House and Senate Education Committees, the State Board of Education and the Education Oversight Committee by October 1 annually, in a format agreed upon by the Education Oversight Committee and the Department of Education.

REP. Smith SUBMITS THE FOLLOWING:

State Department of Education

- 1.48. (SDE: National Board Certification Incentive) Public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards shall be paid a \$7,500 salary supplement ~~in the year of achieving certification~~ beginning July 1 in the year following the year of achieving certification, beginning with 2009 applicants. The \$7,500 salary supplement shall only be paid for the initial ten-year certification. Teachers employed at the special schools shall be eligible for this \$7,500 salary supplement. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall develop guidelines and administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who are applying to the National Board for Professional Teaching Standards for certification may receive a loan equal to the amount of the application fee. Up to eleven hundred loan applications shall be processed annually. One-half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the national board. Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward for National Board purposes. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the State Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program. In addition, teachers who are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the State Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification. Teacher specialists remain eligible for state supplement for National Board certification.

Teachers who begin the application process after July 1, 2007 and who teach in schools which have an absolute rating of below average or ~~unsatisfactory~~ at-risk at the time the teacher applies to the National Board for certification, but who fail to obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one-half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the loan will be at the rate of 33% for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or ~~unsatisfactory~~ at-risk during the forgiveness period, or for each year of full time teaching in another school that has an absolute rating of below average or ~~unsatisfactory~~ at risk.

REP. Smith SUBMITS THE FOLLOWING:

State Department of Education

- 1A.26.** (SDE: National Board Certification Incentive) Public school classroom teachers or classroom teachers who work with classroom teachers who are certified by the State Board of Education and who have been certified by the National Board for Professional Teaching Standards shall be paid a \$7,500 salary supplement ~~in the year of achieving certification~~ beginning July 1 in the year following the year of achieving certification, beginning with 2009 applicants. The \$7,500 salary supplement shall only be paid for the initial ten-year certification. Teachers employed at the special schools shall be eligible for this \$7,500 salary supplement. The special schools include the Governor's School for Science and Math, Governor's School for the Arts and Humanities, Wil Lou Gray Opportunity School, John de la Howe School, School for the Deaf and the Blind, Felton Lab, Department of Juvenile Justice and Palmetto Unified School District 1. The \$7,500 salary supplement shall be added to the annual pay of the teacher for the length of the national certificate. However, the \$7,500 supplement shall be adjusted on a pro rata basis for the teacher's FTE and paid to the teacher in accordance with the district's payroll procedure. The Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) shall develop guidelines and administer the programs whereby teachers who are United States citizens or permanent resident aliens, and who are applying to the National Board for Professional Teaching Standards for certification may receive a loan equal to the amount of the application fee. Up to eleven hundred loan applications shall be processed annually. One-half of the loan principal amount and interest shall be forgiven when the required portfolio is submitted to the national board. Teachers attaining certification within three years of receiving the loan will have the full loan principal amount and interest forgiven. Teachers who previously submitted a portfolio to the National Board for Professional Teaching Standards for certification under previous appropriation acts, shall receive reimbursement of their certification fee as prescribed under the provisions of the previous appropriation act. Funds collected from educators who are in default of the National Board loan shall be retained and carried forward for National Board purposes. Of the funds appropriated in Part IA, Section 1, XIII.A. for National Board Certification, the State Department of Education shall transfer to the Center for Educator Recruitment, Retention, and Advancement (CERRA-South Carolina) the funds necessary for the administration of the loan program. In addition, teachers who are certified by the National Board for Professional Teaching Standards shall enter a recertification cycle for their South Carolina certificate consistent with the recertification cycle for national board certification. National board certified teachers moving to this State who hold a valid standard certificate from their sending state are exempted from initial certification requirements and are eligible for a professional teaching certificate and continuing contract status. Their recertification cycle will be consistent with national board certification.

Provided, further, that in calculating the compensation for teacher specialists, the State Department of Education shall include state and local compensation as defined in Section 59-18-1530 to include local supplements except local supplements for National Board certification. Teacher specialists remain eligible for state supplement for National Board certification.

Teachers who begin the application process after July 1, 2007 and who teach in schools which have an absolute rating of below average or ~~unsatisfactory~~ at-risk at the time the teacher applies to the National Board for certification, but who fail to obtain certification, nonetheless shall be eligible for full forgiveness of the loan as follows: upon submission of all required materials for certification, one-half of the loan principal amount and interest shall be forgiven; forgiveness of the remainder of the loan will be at the rate of 33% for each year of full time teaching in the same school regardless of whether that school exceeds an absolute rating of below average or ~~unsatisfactory~~ at-risk during the forgiveness period, or for each year of full time teaching in another school that has an absolute rating of below average or ~~unsatisfactory~~ at risk.

REP. Smith SUBMITS THE FOLLOWING:

First Steps

1.62. NOTE: PROVISIO SUBCOMMITTEE ALSO RECOMMENDS CONFORMING TO INFLATION FACTOR ULTIMATELY ADOPTED IN PROVISIO 1.3

1.62. (SDE: Child Development Education Pilot Program) There is created the South Carolina Child Development Education Pilot Program (*CDEPP*). This program shall be available for the ~~2008-2009~~ 2009-10 school year on a voluntary basis and shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

(A) For the ~~2008-2009~~ 2009-10 school year, with funds appropriated by the General Assembly, the South Carolina Child Development Education Pilot Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et. al. vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3. With any remaining funds available, the pilot shall be expanded to the remaining plaintiff school districts in Abbeville County School District et. al. vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of 90% or greater. Priority shall be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006-2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at-risk four-year-old children. During the implementation of the pilot program, no funds appropriated by the General Assembly for this purpose shall be used to fund services to at-risk four-year-old children residing outside of the trial or plaintiff districts.

The Education Oversight Committee shall conduct an evaluation of the pilot program and shall issue a report to the General Assembly by January 1, ~~2009~~ 2010. The report shall include a comparative evaluation of children served in the pilot program and children not served in the pilot program. Additionally, based on the evaluation of the pilot program, the Education Oversight Committee shall include recommendations for the creation of and an implementation plan for phasing in the delivery of services to all at-risk four-year-old children in the state.

Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

(B) Each child residing in the pilot districts, who will have attained the age of four years on or before September 1, of the school year, and meets the at-risk criteria is eligible for enrollment in the South Carolina Child Development Education Pilot Program for one year.

The parent of each eligible child may enroll the child in one of the following programs:

(1) a school-year four-year-old kindergarten program delivered by an approved public provider; or

(2) a school-year four-year-old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child's birth certificate, immunization documentation, and documentation of the student's eligibility as evidenced by family income documentation showing an annual family income of 185% or less of the federal poverty guidelines as promulgated annually by the U.S. Department of Health and Human Services or a statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of 6.5 hours of instructional time daily and operates for a period of not less than 180 days per year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this provision. Nothing in this provision prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

(C) Public school providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Department of Education. Private providers choosing to participate in the South Carolina Four-Year-Old Child Development Kindergarten Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this provision, and will comply with all reporting and assessment requirements.

Providers shall:

- (1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;
- (2) comply with all state and local health and safety laws and codes;
- (3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;
- (4) be accountable for meeting the education needs of the child and report at least quarterly to the parent/guardian on his progress;
- (5) comply with all program, reporting, and assessment criteria required of providers;
- (6) maintain individual student records for each child enrolled in the program to include, but not be limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;
- (7) designate whether extended day services will be offered to the parents/guardians of children participating in the program;
- (8) be approved, registered, or licensed by the Department of Social Services; and
- (9) comply with all state and federal laws and requirements specific to program providers.

Providers may limit student enrollment based upon space available. However if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre-kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment. However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

(D) The Department of Education and the Office of First Steps to School Readiness shall:

- (1) develop the provider application form;

- (2) develop the child enrollment application form;
- (3) develop a list of approved research-based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;
- (4) develop a list of approved pre-kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;
- (5) establish criteria for awarding new classroom equipping grants;
- (6) establish criteria for the parenting education program providers must offer;
- (7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;
- (8) develop a list of data collection needs to be used in implementation and evaluation of the program;
- (9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;
- (10) establish criteria for granting student retention waivers; and
- (11) establish criteria for granting classroom size requirements waivers.

(E) Providers of the South Carolina Child Development Education Pilot Program shall offer a complete educational program in accordance with age-appropriate instructional practice and a research based preschool curriculum aligned with school success. The program must focus on the developmental and learning support children must have in order to be ready for school. The provider must also incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

Providers shall offer high-quality, center-based programs that must include, but shall not be limited to, the following:

- (1) employ a lead teacher with a two-year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;
- (2) employ an education assistant with pre-service or in-service training in early childhood education;
- (3) maintain classrooms with at least 10 four-year-old children, but no more than 20 four-year-old children with an adult to child ratio of 1:10. With classrooms having a minimum of 10 children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case-by-case basis;
- (4) offer a full day, center-based program with 6.5 hours of instruction daily for 180 school days;
- (5) provide an approved research-based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social/emotional development;
- (6) engage parents' participation in their child's educational experience that shall include a minimum of two documented conferences per year; and
- (7) adhere to professional development requirements outlined in this article.

(F) Every classroom providing services to four-year-old children established pursuant to this provision must have a lead teacher with at least a two-year degree in early childhood education or related field and who is enrolled and is demonstrating progress toward the completion of a teacher education program within four years. Every classroom must also have at least one education assistant per classroom who shall have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children

under five years old. The teaching assistant shall have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children 5 years old and younger. The providers must request this waiver in writing to their designated administrative agency (First Steps or the Department of Education) and provide appropriate documentation as to the qualifications of the teaching assistant.

(G) The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these education outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Pilot Program to participate annually in a minimum of 15 hours of professional development to include teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age-appropriate progress of pre-kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

(H) Both public and private providers shall be eligible for transportation funds for the transportation of children to and from school. Nothing within this provision prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56-5-195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four-year-old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than \$185 per student shall be retained by the Department of Education for the purposes of transporting four-year-old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act.

(I) For all private providers approved to offer services pursuant to this provision, the Office of First Steps to School Readiness shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(J) For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:

- (1) serve as the fiscal agent;
- (2) verify student enrollment eligibility;
- (3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider's availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;
- (4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;
- (5) serve as a clearing house for information and best practices related to four-year-old kindergarten programs;
- (6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;
- (7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four-year-old kindergarten programs;
- (8) maintain a database of the children enrolled in the program; and
- (9) promulgate guidelines as necessary for the implementation of the pilot program.

(K) The General Assembly shall provide funding for the South Carolina Child Development Education Pilot Program. For the ~~2008-09~~ 2009-10 school year, the funded cost per child shall be \$4,093 \$4,262 increased annually by the rate of inflation as determined by the Division of Research and Statistics of the Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro-rata basis determined by the length of their enrollment. Private providers transporting eligible children to and from school shall be eligible for a reimbursement of \$550 per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent. ~~With funds appropriated by the General Assembly, the Department of Education shall approve grants for public providers and the Office of First Steps to School Readiness shall approve grants for private providers, of up to \$10,000 per class for the equipping of new classrooms. Providers enrolling between one and six eligible children shall be eligible to receive up to \$1,000 per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed \$10,000. Providers receiving equipment grants are expected to participate in the program and provide high-quality, center-based programs as defined herein for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness.~~ Funding of up to two thousand five hundred dollars may be provided annually for the procurement of consumable and other materials in established classrooms. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps. School districts who participate in the program are not eligible to receive ELA funding for half-day early childhood development programs.

(L) Pursuant to this provision, the Department of Social Services shall:

- (1) maintain a list of all approved public and private providers; and
- (2) provide the Department of Education, the Office of First Steps, and the Education Oversight Committee information necessary to carry out the requirements of this provision.

(M) The Education Oversight Committee shall conduct a comparative evaluation of the South Carolina Child Development Education Pilot Program and issue their findings in a report to the General Assembly by January 1, 2009 2010. Based on information, data, and evaluation results, the Education Oversight Committee shall include as part of their report recommendations for the creation and implementation of a statewide four-year-old

kindergarten program for at-risk children. The report shall also include information and recommendations on lead teacher qualifications and options for creating comparable salary schedules for certified teachers employed by private providers. In the current fiscal year, the Education Oversight Committee shall use funds appropriated by the General Assembly for four-year-old evaluation to support the annual collection of and continuous evaluation of data. ~~In compliance with Section 59-6-110 if the EOC will contract out for a fiscal audit of the South Carolina Child Development Education Pilot Program. The Office of First Steps will include in it's triennial external evaluation pursuant to Section 59-152-160 fiscal and management questions as provided by the EOC.~~

The report shall also include an assessment, by county, on the availability and use of existing public and private classroom capacity approved for at-risk four-year-old kindergarten students based on data collected triennially. The report shall include, by county, the estimated four-year-old population, the total number of CDEPP approved four-year-old kindergarten spaces available, the number of four-year-old children enrolled in both public and private CDEPP approved facilities, and the number of children on waiting lists for either public or private providers during the reporting period. Where possible, the report shall also include anticipated four-year-old kindergarten enrollment projections for the two years following the report. The 2010 evaluation will also include the following: (1) a determination of the factors including policy issues, leadership characteristics and community concerns that led to substantial increases in the number of CDEPP participants served in specific districts and counties; (2) a determination of the factors that influence the continuity of CDEPP student enrollment across the full 180-day program and policy or programmatic changes needed to assure that CDEPP participants fully benefit from the program; (3) a determination of how many private childcare center teachers are pursuing a four-year degree and the barriers incurred in obtaining the degree; and (4) a review of any formalized plan or evaluation data to assess the quality and impact of professional development and training provided by the Office of First Steps and the Department of Education to CDEPP teachers.

To aid in this evaluation, the Education Oversight Committee shall determine the data necessary and both public and private providers are required to submit the necessary data as a condition of continued participation in and funding of the program. This data shall include developmentally appropriate measures of student progress. Additionally, the Department of Education shall issue a unique student identifier for each child receiving services from a private provider. The Department of Education shall be responsible for the collection and maintenance of data on the public state funded full day and half-day four-year-old kindergarten programs. The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state funded programs provided through private providers. The Education Oversight Committee shall use this data and all other collected and maintained data necessary to conduct a research based review of the program's implementation and assessment of student success in the early elementary grades.

REP. Smith SUBMITS THE FOLLOWING:

EOC

1A.oys

1A.oys. (SDE-EIA: One Year Suspension of EIA Programs) The following programs funded with EIA revenues will be temporarily suspended for Fiscal Year 2009-10 and funds appropriated to these programs allocated to teacher salaries and fringe benefits, with the exception of \$545,000 from external review teams which is directed to the Teaching Fellows Program by proviso 1A.22: competitive teacher grants, Palmetto Gold and Silver program and external review teams. Schools will still be recognized as Palmetto Gold and Silver recipients in 2009-10 but will not receive financial compensation. In the current fiscal year the Department of Education must review the state's textbook adoption program to establish a transition plan to the use of electronic instructional materials. The transition plan should address the content area, grades or courses included, teacher professional development, and state, district and student responsibility. The Department of Education must present the plan to the Senate Education Committee, the Senate Finance Committee, the House Education and Public Works Committee, the House Ways and Means Committee, the State Board of Education and the Education Oversight Committee no later than October 1, 2009.